

**MINUTES OF THE CITY COMMISSION MEETING
MONDAY, DECEMBER 10, 2012**

The City of Leesburg Commission held a regular meeting Monday, December 10, 2012, in the Commission Chambers at City Hall. Mayor Henderson called the meeting to order at 5:30 p.m. with the following members present:

Commissioner John Christian
Commissioner David Knowles
Commissioner Bill Polk
Commissioner Lewis Puckett
Mayor Sanna Henderson

Also present were City Manager (CM) Jay Evans, City Clerk (CC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Andi Purvis, the news media, and others.

Greg Beliveau gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

PROCLAMATIONS: None

Mayor Henderson stated the City is proclaiming today as Arbor Day and Parks and Recreation is giving away free Pecan and Crab Apple trees at the Marina. Commissioner Puckett asked how big the trees are. CC Richardson stated one gallon.

PRESENTATIONS:

HEARD PRESENTATION BY SUE CORDOVA, CHAIR OF THE LAKE COUNTY ENTERPRISE ZONE DEVELOPMENT AGENCY BOARD, QUARTERLY REPORT

Sue Cordova, Chair of the Lake County Enterprise Zone Board, presented an update regarding the Lake County Enterprise Zone required by Ordinance 2011-58 of the Lake County Board Commissioners. Cities are to be updated every quarter on how the Enterprise Zone is operating and the steps the County has made. The Board of County Commissioners approved the Enterprise Zone strategic plan December 20, 2011, and established nine community objectives and five measurable goals. The non-community objectives are: streamlining permitting and approving projects in a timely manner. The Enterprise Zone will meet with all existing businesses with two per week until all have met. They will determine what their needs are, take action to make sure they are viable, and if they have any expansions plans, help get them any incentives for which they are eligible. The Enterprise Zone Board wants to update all existing ordinances to encourage development of commercial and industrial businesses and create a community like partnership to support economic development. Mrs. Cordova stated at their board meeting Leesburg mentioned Aerospace. So, the Enterprise Zone Board will find the target audiences and bring them to the City. They want to create vibrant, stronger neighborhoods through affordable housing around these areas which will provide the work force. The Florida Department of Economic Opportunity designated the enterprise zones from the 2010 census and found the highest poverty rates. January 24, 2011, the board entered into the inter-local agreements with Eustis, Leesburg, and Mascotte for these zones. The Leesburg representatives are Ken Thomas and Chris Edwards and they have done a wonderful job attending all meetings, doing presentations, and keeping

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everyone informed on what is happening and needs in these areas. Diane Kramer is the representative for Eustis and Jim Gleason for Mascotte. Mrs. Cordova stated the goals given by the cities were: Eustis, to find small businesses and help single owner businesses move forward; Leesburg, Aerospace and large manufacturing and Mascotte said bring us anything you can. There are incentives both from the County and State for help and the Enterprise Zone will help businesses apply for these credits and work with them all the way through the process.

Ordinance 2011-58 also created an eleven member enterprise zone board which consists of the Chamber of Commerce to Core Profit businesses to Law Enforcement to non-profit businesses. This board will reach out into the Community and outside Lake County, so all resources can be brought to the table. Mrs. Cordova stated September 11, 2012, the Lake County Commissioners accepted the nomination of herself as Chairman and Robert Groman as Vice-Chair of the Enterprise Zone. The meetings have had great attendance and they have a candy company moving into Mascotte which will bring in a whole factory of about 200 to 250 employees with two resale stores. One other business they are talking with is Lockheed Martin to see if they are willing to establish a plant in the area. The responsibilities of the board are to oversee strategic planning, to challenge the measurable goals, conduct an annual review and update the planning goals, give monthly reports to the Florida Department of Economic Opportunity, give specific quarterly reports to each individual City, make recommendations on anything received from business owners which could be a regulatory barrier, and be the spokesperson for the businesses if they are having any problems. The Enterprise Zone has created a brochure county wide and they will give each City the template so they can customize the brochure for their City. The webpage was published on September 17, 2012, and has links to all Cities and is separate from the Lake County Government webpage.

Mayor Henderson asked how often the Enterprise Zone meets. Mrs. Cordova stated they have been meeting every other month but after January, 2013, it may be quarterly meetings depending on the number of businesses coming forward to meet with them.

Commissioner Christian stated his concern in limiting Leesburg to only focusing on large manufacturing or Aerospace if Eustis and Mascotte are small businesses, Leesburg will be brought whatever. Commissioner Christian said there are not too many aerospace companies locating near Tally Road or the Carver Heights area. He wants to make sure Leesburg does not box itself out of any businesses who want to come to Leesburg. Leesburg wants to see good, clean businesses it can help to grow which will bring jobs to the City.

Mrs. Cordova stated the City is not restricted to just large manufacturing or aerospace companies; this is what was mentioned to them as a roadmap for some direction. If a business comes to us, we are going to take the business to the City which best matches their needs no matter what the business is.

Commissioner Knowles asked what type market Lockheed Martin is interested in bringing. Mrs. Cordova replied they are interested in relocating an existing facility and Leesburg is one of the spots they are interested in.

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Mayor Henderson asked who in the county will also be working on this. Mrs. Cordova stated it is Travel, Tourism, and Economic Development and Anita Griner is the contact person.

Commissioner Puckett asked what will be done about education as Leesburg has a limited number of educated people and if talking about big companies, they are looking to settle some place where they can get skilled people and it is just not here; we have high school graduates, but no skilled workforce. Mrs. Cordova stated the issue may be not having an educated work force now, but we can. There is a huge bucket of money sitting at Work Force to be used for education. We need to remember these businesses will not pick a spot and open the next day, so there is a window of opportunity to train the people for the skills the businesses will need.

Mayor Henderson thanked Sue Cordova for her attendance and said she hopes the Enterprise Zone is very successful.

Mayor Henderson introduced her cousin, Carolyn Merrell. Mrs. Merrell stated she is a resident of the Leesburg Lake Shore Mobile Home Park, better known as Christmas Tree Lane. Mrs. Merrell stated she is present tonight to thank Glorianne Fahs, Jay Hurley, the Fire and Police Departments, and other volunteers, even some as far as Winter Park, who helped the mainly 55 plus park set up Christmas Tree Lane this year. Mrs. Merrell stated the residents really appreciated all the help given and encouraged all to come to 1208 Lee Street and visit Christmas Tree Lane.

CM Evans stated it is important to note they will also need help in dismantling. Mayor Henderson stated Carolyn's father, Ed Merrell, was on the Leesburg City Commission and served as its Mayor in 1976.

CONSENT AGENDA:

Pulled Items:

4.C.1 - On System Maintenance Agreement with the State of Florida, Department of Transportation for a portion of the Tavares-Leesburg Trail.

4.C.2 - Execution of City Deeds and Easements for various parcels granting right-of-way and access on US Highway 441 between Canal Street and Bentley Road to the State of Florida, Department of Transportation.

Commissioner Knowles moved to adopt the Consent Agenda except for 4.C.1 and 4.C.2 and Commissioner Polk seconded the motion.

The roll call vote was:

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|------------------------|-----|
| Commissioner Polk | Yes |
| Commissioner Puckett | Yes |
| Commissioner Christian | Yes |
| Commissioner Knowles | Yes |
| Mayor Henderson | Yes |

Five yeas, no nays, the Commission adopted the Consent Agenda, as follows:

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CITY COMMISSION MEETING MINUTES:

Meeting held October 12, 2012

PURCHASING ITEMS:

Purchase request by the Police Department for the purchase of 28 new non-lethal X2 TASER guns for a total cost of \$36,029.32.

RESOLUTIONS:

ADOPTED RESOLUTION 9123 AUTHORIZING A SYSTEM MAINTENANCE AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION FOR A PORTION OF THE TAVARES-LEESBURG TRAIL

Commissioner Knowles introduced the resolution to be read by title only. CC Richardson read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ON SYSTEM MAINTENANCE AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") FOR THE PURPOSE OF PROVIDING FOR COMPLETION BY FDOT OF A PORTION OF THE TAV-LEE TRAIL ALONG U.S. HIGHWAY 441 BETWEEN CANAL STREET AND BENTLEY ROAD, AND FOR THE MAINTENANCE OF THAT TRAIL SUBSEQUENT TO ITS COMPLETION; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Christian moved to adopt the resolution and Commissioner Knowles seconded the motion.

Mayor Henderson requested comments from the Commission and the audience.

Commissioner Polk stated page 2, says "the FDOT" shall have the sole authority with respect to making all decisions relating to the design and construction of the Trial Project, including the need for change orders and supplement agreements" so asked if the City is going to maintain just the pavement part and FDOT is going to mow the grass and everything else. CM Evans stated the City will be responsible for pavement and signage and FDOT will take care of the mowing.

Commissioner Polk asked if the City has any say in the design. CM Evans stated the design has pretty much been done and the City has been working on this project for five or six years and the construction keeps being pushed out.

Mayor Henderson asked if they have all right of way needed yet. Commissioner Polk stated no, the memo says they are expecting to spend a tremendous amount of money.

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Mayor Henderson stated she believes it was 25 million dollars to widen the road and finish the project for US 441.

Commissioner Puckett stated the City could certainly do a lot with that kind of money someplace else.

Commissioner Knowles stated this will not happen for awhile though.

Commissioner Christian asked about the next parcel number 125; how big it is and as he understands, FDOT is giving the City \$111,360 for it. Public Works Deputy Director (PWDD) Jimmy Feagle stated the funds are actually for the relocation of some of the backflow preventers, replacing some infrastructure, the fencing and also part of the landscaping. There may be a little bit of asphalt work also. Those funds are to be used for those items. He said he will provide the size of the parcel for the Commissioner.

Commissioner Christian stated so basically, the City is just swapping the land for the maintenance. PWDD Feagle stated the City is swapping the land and FDOT is providing the engineering and construction of that portion of the trail.

Commissioner Puckett stated the trail will run across the end of the park where people enter into the park. PWDD Feagle stated the trail will go across the entrance and along the edge.

Commissioner Puckett asked if this will be a problem with people pulling boats in and out where people are tramping up and down through the area that is going to be widened and kill some of our lakes. PWDD Feagle stated it will take a portion of the canal right along the edge.

The roll call vote was:

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|------------------------|-----|
| Commissioner Puckett | No |
| Commissioner Christian | Yes |
| Commissioner Knowles | Yes |
| Commissioner Polk | No |
| Mayor Henderson | Yes |

Three yeas, two nays, the Commission adopted the resolution.

ADOPTED RESOLUTION 9124 AUTHORIZING EXECUTION OF CITY DEEDS AND EASEMENTS FOR VARIOUS PARCELS GRANTING RIGHT-OF-WAY AND ACCESS ON US HIGHWAY 441 BETWEEN CANAL STREET AND BENTLEY ROAD TO THE STATE OF FLORIDA, DOT

Commissioner Christian introduced the resolution to be read by title only. CC Richardson read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA, AUTHORIZING THE MAYOR AND CITY
CLERK TO EXECUTE CERTAIN CITY DEEDS AND PERPETUAL

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EASEMENTS FOR BETWEEN THE CITY OF LEESBURG AS GRANTOR, AND STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AS GRANTEE, FOR THE PURPOSE OF PROVIDING FOR RIGHT-OF-WAY ALONG U.S. HIGHWAY 441 BETWEEN CANAL STREET AND BENTLEY ROAD, IN EXCHANGE FOR CONSTRUCTION OF A PEDESTRIAN TRAIL ALONG THAT SAME ROUTE; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Knowles moved to adopt the resolution and Commissioner Christian seconded the motion.

Mayor Henderson requested comments from the Commission and the audience.

The roll call vote was:

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|------------------------|-----|
| Commissioner Christian | Yes |
| Commissioner Knowles | Yes |
| Commissioner Polk | No |
| Commissioner Puckett | No |
| Mayor Henderson | Yes |

Three yeas, two nays, the Commission adopted the resolution.

OTHER ITEMS: None

ADOPTED ORDINANCE 12-71 AMENDING THE CITY'S COMPREHENSIVE PLAN TO IMPLEMENT THE RECOMMENDATIONS OF THE CITY'S EVALUATION AND APPRAISAL REPORT, ALONG WITH COMMENTS RECEIVED FROM THE FDOE OPPORTUNITY IN ITS OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

City Clerk Richardson read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN TO IMPLEMENT THE RECOMMENDATIONS OF THE CITY'S EVALUATION AND APPRAISAL REPORT, ALONG WITH COMMENTS RECEIVED FROM THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY IN ITS OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT; ADDING OR ADOPTING REVISIONS TO THE FUTURE LAND USE, TRANSPORTATION, HOUSING, SANITARY SEWER, POTABLE WATER, SOLID WASTE, DRAINAGE, AQUIFER RECHARGE, CONSERVATION, RECREATION AND OPEN SPACE, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENTS, AND AVIATION ELEMENTS OF THE COMPREHENSIVE PLAN, AND DELETING THE PUBLIC SCHOOL FACILITIES ELEMENT; ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN ARISING FROM CHANGES RESULTING

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FROM THE 2010 CENSUS; UPDATING THE FUTURE LAND USE MAP; CREATING NEW LAND USE DESIGNATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Knowles moved to adopt the ordinance and Commissioner Christian seconded the motion.

Mayor Henderson requested comments from the Commission and audience.

Community Development Director (CDD) Bill Wiley stated there are two minor amendments detected by Mr. Greg Beliveau and the City needs to make sure the record reflects them.

Greg Beliveau, LPG, stated there were two minor glitches found and since the Commission is getting a complete rewritten comp plan finding these two glitches at the end is not so bad. The first one is to add two words to one policy, the Intergovernmental Coordination element the existing policy with coordination of the County. The City is also coordinating with them on "economic development," so just added "economic development" to the final. The second one is on one of the levels of service, transportation; and if you recall in many of the narratives, one of the items the Department of Transportation brought up is they asked one of the levels of service be bumped from D to B and this is because the City has already adopted your ADA requirements for sidewalks and agreed to do this with another policy received from the FPO. This was missed, so that level of service from D to B has been changed. Everything else is okay.

Commissioner Polk asked if there needs to be a motion to accept the amendments as presented. CA Morrison replied yes.

Commissioner Polk moved to adopt the changes as presented and Commissioner Puckett seconded the motion and it carried unanimously.

The roll call vote was:

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|------------------------|-----|
| Commissioner Knowles | Yes |
| Commissioner Polk | Yes |
| Commissioner Puckett | Yes |
| Commissioner Christian | Yes |
| Mayor Henderson | Yes |

Five yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 12-72 ACCEPTING A UTILITY EASEMENT FROM SERENA V. SALLET PERTAINING TO LAND ON GASKINS STREET

City Clerk Richardson read the ordinance by title only, as follows:

ORDINANCE OF THE CITY OF LEESBURG, FLORIDA,
ACCEPTING A UTILITY EASEMENT FROM SERENA V. SALLET,

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AS GRANTOR, TO THE CITY OF LEESBURG, AS GRANTEE,
PERTAINING TO LAND LOCATED IN SECTION 22, TOWNSHIP 19
SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND
PROVIDING AN EFFECTIVE DATE. (Gaskins Street)

Commissioner Polk moved to adopt the ordinance and Commissioner Knowles seconded the motion.

Mayor Henderson requested comments from the Commission and audience.

The roll call vote was:

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|------------------------|-----|
| Commissioner Puckett | Yes |
| Commissioner Christian | Yes |
| Commissioner Knowles | Yes |
| Commissioner Polk | Yes |
| Mayor Henderson | Yes |

Five yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 12-73 ACCEPTING A UTILITY EASEMENT FROM PAMELA AILEEN WAITMAN FIELDS PERTAINING TO LAND ON GASKINS STREET

City Clerk Richardson read the ordinance by title only, as follows:

ORDINANCE OF THE CITY OF LEESBURG, FLORIDA,
ACCEPTING A UTILITY EASEMENT FROM PAMELA AILEEN
WAITMAN FIELDS, AS GRANTOR, TO THE CITY OF LEESBURG,
AS GRANTEE, PERTAINING TO LAND LOCATED IN SECTION 22,
TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FL.;
AND PROVIDING AN EFFECTIVE DATE. (Gaskins Street)

Commissioner Knowles moved to adopt the ordinance and Commissioner Polk seconded the motion.

Mayor Henderson requested comments from the Commission and audience.

The roll call vote was:

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|------------------------|-----|
| Commissioner Christian | Yes |
| Commissioner Knowles | Yes |
| Commissioner Polk | Yes |
| Commissioner Puckett | Yes |
| Mayor Henderson | Yes |

Five yeas, no nays, the Commission adopted the ordinance.

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ADOPTED ORDINANCE 12-74 ACCEPTING A UTILITY EASEMENT FROM ROCK CAPITAL INVESTMENTS, LLC PERTAINING TO LAND ON GASKINS STREET

City Clerk Richardson read the ordinance by title only, as follows:

ORDINANCE OF THE CITY OF LEESBURG, FLORIDA,
ACCEPTING A UTILITY EASEMENT FROM ROCK CAPITAL
INVESTMENTS, LLC, AS GRANTOR, TO THE CITY OF LEESBURG,
AS GRANTEE, PERTAINING TO LAND LOCATED IN SECTION 22,
TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FL.;
AND PROVIDING AN EFFECTIVE DATE. (Gaskins Street)

Commissioner Puckett moved to adopt the ordinance and Commissioner Christian
seconded the motion.

Mayor Henderson requested comments from the Commission and audience.

The roll call vote was:

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|------------------------|-----|
| Commissioner Knowles | Yes |
| Commissioner Polk | Yes |
| Commissioner Puckett | Yes |
| Commissioner Christian | Yes |
| Mayor Henderson | Yes |

Five yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 12-75 ACCEPTING A UTILITY EASEMENT FROM JOHN C. CRAWFORD, II, PERTAINING TO LAND ON GASKINS STREET

City Clerk Richardson read the ordinance by title only, as follows:

ORDINANCE OF THE CITY OF LEESBURG, FLORIDA,
ACCEPTING A UTILITY EASEMENT FROM JOHN C. CRAWFORD,
II, AS GRANTOR, TO THE CITY OF LEESBURG, AS GRANTEE,
PERTAINING TO LAND ON GASKINS STREET; AND PROVIDING
AN EFFECTIVE DATE. (Gaskins Street)

Commissioner Christian moved to adopt the ordinance and Commissioner Polk seconded
the motion.

Mayor Henderson requested comments from the Commission and audience.

The roll call vote was:

| | |
|------------------------|-----|
| Commissioner Polk | Yes |
| Commissioner Puckett | Yes |
| Commissioner Christian | Yes |
| Commissioner Knowles | Yes |

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Mayor Henderson

Yes

Five yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 12-76 AMENDING CITY CODE, CHAPTER 22, ARTICLE 1, SECTION 22-5, PERTAINING TO CITY OF LEESBURG ELECTRIC AND NATURAL GAS FRANCHISE AGREEMENTS

City Clerk Richardson read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA,
AMENDING §22 – 5 OF THE CODE OF ORDINANCES PERTAINING
TO FRANCHISES FOR ELECTRIC OR NATURAL GAS UTILITIES,
TO CLARIFY THE INTENT OF THE ORDINANCE WITH RESPECT
TO THE AREAS WITHIN WHICH SUCH FRANCHISES MAY BE
GRANTED AS BEING LIMITED TO THOSE AREAS ANNEXED
INTO THE CITY OF LEESBURG WHICH ARE ALREADY BEING
SERVED BY THE FRANCHISEES; REPEALING CONFLICTING
ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.

Commissioner Christian moved to adopt the ordinance and Commissioner Knowles seconded the motion.

Mayor Henderson requested comments from the Commission and audience.

Commissioner Polk asked if the City receives Electric and Natural Gas revenues now.

CA Morrison stated this is an existing ordinance and Jack Rogers asked him to look at it and as written, it could have been interpreted to allow anybody to come in from outside the City and say “I want to serve this area the City already serves.” This way it will allow those people who serve in an area the City annexed to continue serving that area and just clarifies the original intent of the ordinance.

The roll call vote was:

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|------------------------|-----|
| Commissioner Puckett | Yes |
| Commissioner Christian | Yes |
| Commissioner Knowles | Yes |
| Commissioner Polk | Yes |
| Mayor Henderson | Yes |

Five yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 12-77 AMENDING THE CODE OF ORDINANCES TO REPEAL AND REPLACE IN ITS ENTIRETY CHAPTER 10.5 FLOOD DAMAGE PREVENTION AND PROTECTION WITH THE NEW CHAPTER 10.5 FLOODPLAIN MANAGEMENT

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City Clerk Richardson read the ordinance by title only, as follows:

AN ORDINANCE BY THE CITY OF LEESBURG AMENDING THE CITY OF LEESBURG CODE OF ORDINANCES TO REPEAL CHAPTER 10.5 FLOOD DAMAGE PREVENTION AND PROTECTION IN ITS ENTIRETY; TO ADOPT A NEW CHAPTER 10.5 FLOOD DAMAGE PREVENTION AND PROTECTION; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE ; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Commissioner Polk moved to adopt the ordinance and Commissioner Knowles seconded the motion.

Mayor Henderson requested comments from the Commission and audience.

Mayor Henderson asked who the City's administrator will be. Public Works Senior Deputy Director (PWSDD) DC Maudlin stated he will be the administrator.

Commissioner Puckett thanked Mr. Maudlin.

The roll call vote was:

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|------------------------|-----|
| Commissioner Christian | Yes |
| Commissioner Knowles | Yes |
| Commissioner Polk | Yes |
| Commissioner Puckett | Yes |
| Mayor Henderson | Yes |

Five yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 12-78 AMENDING THE FISCAL YEAR 2011-12 BUDGET FOR THE GENERAL, STORMWATER, ELECTRIC, GAS, AND DISCRETIONARY SALES TAX FOR THE FOURTH QUARTER

City Clerk Richardson read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE FISCAL YEAR 2011-12 BUDGET FOR THE GENERAL, STORMWATER, ELECTRIC, GAS, AND DISCRETIONARY SALES TAX FUNDS FOR THE FOURTH QUARTER; AND PROVIDING AN EFFECTIVE DATE.

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Commissioner Knowles moved to adopt the ordinance and Commissioner Polk seconded the motion.

Mayor Henderson requested comments from the Commission and audience.

The roll call vote was:

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|------------------------|-----|
| Commissioner Knowles | Yes |
| Commissioner Polk | Yes |
| Commissioner Puckett | Yes |
| Commissioner Christian | Yes |
| Mayor Henderson | Yes |

Five yeas, no nays, the Commission adopted the ordinance.

FIRST READING OF AN ORDINANCE ACCEPTING A UTILITY EASEMENT FROM JAMES P. CASWELL, JR. AND HERMA L. WHITE PERTAINING TO 1730 GREEN VALLEY RD

Commissioner Knowles introduced the ordinance to be read by title only. CC Richardson read the ordinance by title only, as follows:

ORDINANCE OF THE CITY OF LEESBURG, FLORIDA,
ACCEPTING A UTILITY EASEMENT FROM JAMES P. CASWELL,
JR. AND HERMA L. WHITE PERTAINING TO LAND LOCATED IN
SECTION 20, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE
COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.
(1730 GREEN VALLEY RD).

Mayor Henderson requested comments from the Commission and the audience.

Commissioner Christian asked about the need for this easement as it is back of the property off of Green Valley, back of Montclair, the dirt road off Pruett.

Electric Director (ED) Paul Kalv said he is not familiar with the specific reason for this easement. Mayor Henderson asked ED Kalv to find out and report at the next Commission meeting.

CC Richardson stated the second reading for this ordinance will be the first meeting in January, 2013.

Commissioner Polk asked if this is just a utility easement. CM Evans stated this issue will be reviewed.

ADOPTED RESOLUTION 9125 REPEALING RESOLUTION 9091 ADOPTED SEPTEMBER 24, 2012 IN ITS ENTIRETY; REPLACING IT WITH A SPECIAL TRANSFER FROM THE GAS UTILITY TO THE DEBT SERVICE FUND OF \$966,820 FOR DEBT SERVICE ASSOCIATED WITH THE KRISTEN COURT PROPERTY

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Commissioner Christian introduced the resolution to be read by title only. CC Richardson read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA, REPEALING RESOLUTION 9091 ADOPTED
SEPTEMBER 24, 2012 IN ITS ENTIRETY; REPLACING THE
RESOLUTION WITH A SPECIAL TRANSFER FROM THE GAS
UTILITY TO THE DEBT SERVICE FUND OF \$966,820 FOR DEBT
SERVICE ASSOCIATED WITH THE KRISTEN COURT PROPERTY;
AND PROVIDING AN EFFECTIVE DATE.

Commissioner Knowles moved to adopt the resolution and Commissioner Polk seconded the motion.

Mayor Henderson requested comments from the Commission and the audience.

Commissioner Polk asked why this could not be paid off in one lump sum. Finance Director (FD) Bill Spinelli stated the pre-payment clause will not allow the City to pay off the entire debt.

Commissioner Polk asked even with a penalty the City could not pay this off. FD Spinelli stated the penalty is pretty steep. CM Evans stated it is several hundred thousand dollars.

Commissioner Puckett stated he has never heard of a pre-payment clause.

Commissioner Polk asked the name of the bank. FD Spinelli replied SunTrust.

CM Evans stated this was presented to the Commission awhile back and it simply was too expensive to try and pay off at one time.

Commissioner Christian stated with the other loans the City has with SunTrust, would they reconsider with our \$18 million plus and consider us as a good customer. Financial Advisor (FA) Jeff Larson stated this was looked at a while ago and he believes it was punitive, called a make whole language, which actually says if the City takes away a loan, it will still have to pay the bank the interest. The City has the pre-payment penalty with BB&T on the telecommunications loan and Mr. Larson thinks this one was much more punitive and will look into it as he does not remember the exact language and stated this is for this year's annual debt service.

Commissioner Puckett stated the City is still paying off the loan on this thing and it is absolutely mind boggling; it is ridiculous the City started such a fool thing like this.

Commissioner Polk stated the City cannot even sell it if they wanted to because of the money owed on it. CM Evans said no, the City could sell it and just to be clear the Commission made the decision to transfer this money from the Gas Department to what was the Magnolia Townhomes fund. Mr. Spinelli has looked at this and said originally,

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the fund was set up because the City thought it would have revenues coming in from the sale of the units as they were rehabbed; but now this program is out the window. This is just more of a liability, a very small asset, so it needs to be rolled into the General Fund debt service. This is simply changing the designation of the money coming from the Gas Department.

Commissioner Puckett stated there is nothing wrong with that as the City is locked into it, but we could put it up on a public sale and at least stop the "blood loss." Commissioner Puckett stated he is tired of talking about it and is sure many are tired of paying for it; it was an idiotic thing to do, but it has to be paid off and there is no way out of it.

Mayor Henderson stated if sold, they would have to offer the City more than we owed correct. Commissioner Puckett stated no, they would not offer you more than what is owed, it is not worth anything.

Mayor Henderson stated the City will still have to pay the debt even if somebody buys it on the cheap. Commissioner Knowles stated the City can give it away, but will still have to pay the debt on it.

Commissioner Christian stated this is one of those strategic things the Commission talked about at the beginning of the year and maybe a nice community park would be an enhancement to the area.

Commissioner Polk stated the City cannot take care of the parks it has now.

Commissioner Christian stated if talking about the future of Leesburg, there are houses already on slate to be built right there in the community so we may want to consider if the City gets \$50,000 for a piece of property which it owes 4 million on maybe it is a better asset for the City to hold on to it and see what the needs are for the property.

Commissioner Puckett stated the City has gone out and dug up all the roads so no houses can be built in there now.

The roll call vote was:

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|------------------------|-----|
| Commissioner Polk | Yes |
| Commissioner Puckett | Yes |
| Commissioner Christian | Yes |
| Commissioner Knowles | Yes |
| Mayor Henderson | Yes |

Five yeas, no nays, the Commission adopted the resolution.

**ADOPTED RESOLUTION 9126 DESIGNATING THE FINANCE TEAM TO
WORK WITH THE CITY IN CONNECTION WITH THE ISSUANCE BY THE
CITY OF THE NOT TO EXCEED \$16 MILLION CAPITAL IMPROVEMENT
REVENUE REFUNDING BONDS, SERIES 2013**

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Commissioner Knowles introduced the resolution to be read by title only. CC Richardson read the resolution by title only, as follows:

A RESOLUTION OF THE CITY OF LEESBURG, FLORIDA DESIGNATING THE FINANCE TEAM TO WORK WITH THE CITY IN CONNECTION WITH THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$16 MILLION CAPITAL IMPROVEMENT REVENUE REFUNDING BONDS, SERIES 2013 TO REFUND ALL OR A PORTION OF THE CITY'S OUTSTANDING CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2004, AUTHORIZING THE CITY MANAGER TO EXECUTE THE ENGAGEMENT LETTERS; AUTHORIZING THE CITY MANAGER TO RETAIN OTHER PROFESSIONAL FIRMS AS NEEDED; EXPRESSING THE INTENT FOR PURPOSES OF COMPLIANCE WITH UNITED STATES TREASURY REGULATION SECTION 1.150-(2)(e) TO REIMBURSE WITH THE PROCEEDS OF SUCH 2013 BONDS CERTAIN EXPENDITURES MADE WITH RESPECT TO SUCH REFINANCING; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Knowles moved to adopt the resolution and Commissioner Christian seconded the motion.

Mayor Henderson requested comments from the Commission and the audience.

Commissioner Polk asked why the City needs to go out if it is refinancing the bond, which is a loan from the bank. FA Larson stated at the last meeting the Commission was updated on the City's inability to reach a favorable conclusion of the investment agreement which torpedoed the SunTrust loans. Tonight's motion to proceed would be to do bond issues to refund all the debt after the 2034 bond maturity. There were two main business points at the last meeting this Commission confirmed; no new money and no extension of time. This is the first one; capital improvement, then electric and utilities, so this is a refunding of those three issues.

Commissioner Puckett asked, just for curiosity, what is the interest if you sell bonds. FA Larson stated as of today's market place, which is at an all time low interest rates, begin at one percent or below and at 2033-2034 maybe three percent or below.

Commissioner Polk stated, so no bank wants to refinance this and SunTrust was the only one who even looked at it and now they do not want to do it, and asked if this is correct.

FA Larson stated no, SunTrust responded to two of the three issues and Wells Fargo was the institution with an investment agreement with the City and they would not allow an amendment to this even if the City used cash to collateralize it as they perceive the risk to be too great. FA Larson stated Wells Fargo has told both FD Spinelli and himself if the City does a publicly offered issue, they will allow an amendment to the investment agreement and proceed with these three. CM Evans stated this is the 1.3 million dollars spoken of earlier.

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Commissioner Knowles stated this is what was talked about at the last meeting, but the City has to establish a team to set it up.

Commissioner Polk asked what is the purpose of this team if the City knows the direction it is taking. CA Morrison stated one of the big reasons is because the City is going to be spending money going forward in preparation with this bond issue and needs to pass a resolution on each one so reimbursement can be made for expenses.

Commissioner Polk stated he does not understand why the City needs to go out and find these companies, Akerman Senterfitt, and Holland & Knight and all these other high dollar people to tell us how to do this, if we already know what to do. CA Morrison stated these are the teams Finance has used consistently since Ron Stock was the City Manager and the City needs them to be separate by law because of conflict.

Commissioner Polk asked what part Mr. Larson has; does he just introduce the items to these other people. CA Morrison stated Mr. Larson does the marketing, projections, and solicits the interest rates; a very significant role in the nuts and bolts part of the issue.

Commissioner Polk asked if Finance knows what Akerman Senterfitt, and Holland & Knight will charge the City. FA Larson stated his company is the financial advisor working with City staff, as the quarterback to get from point a to point b, and as CA Morrison stated earlier, the City needs the bond attorney, Akerman Senterfitt, and the disclosure counsel, Holland & Knight to be separate since 2007.

Commissioner Polk stated the City is just going around in circles, spinning its wheels trying to get somewhere. FA Larson stated he cannot influence what a Wells Fargo bank will or will not do, interest rates are low, and the RFP is ready to go. As the City Attorney mentioned, this is the first step having an RFP to take to underwriters and work very close with City staff, to bring these three issues before the Commission. At the encouragement of the Commission at the last meeting to move with some haste, staff moved to take advantage of the low interest rates. FA Larson stated he wishes they had done the SunTrust transactions, but could not get Wells Fargo to move and they blocked the path. Now staff is going on the unblocked path which will take a little bit more work, but this the process.

Commissioner Polk asked if the anticipated savings is still \$60,000 to \$80,000 per year for General Fund. FA Larson stated yes, and for the utility \$110,000 and electric \$70,000 so the total savings for all three will be \$250,000 to \$280,000. This will have to come back before the Commission for what is actually called a series resolution to approve the actual bond issue; this just allows us to move forward.

CM Evans stated from someone who has been on the inside of these things, it is amazing the amount of documentation, analysis, and legal analysis which goes into making these things pass mustard with regard to the tax exempt status.

Commissioner Elect Elise Dennison stated she heard Commissioner Polk ask the question of how much this financial team will cost the City of Leesburg and did not hear an

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answer. She asked if an estimate as far as cost for doing these three proposals or resolutions could be given. FA Larson stated each financing has an estimated cost of issuance of probably \$180,000 to \$210,000 and this comes out of the financing so the savings mentioned earlier is the netting of all those fees. The City will also receive a very detailed list of all the fees and as your City Manager reminds me, FA Larson stated his job is to help negotiate what is called family pricing so if we have the same firms working the same two or three deals at the same time, there is a cost benefit.

The roll call vote was:

| | |
|------------------------|-----|
| Commissioner Puckett | Yes |
| Commissioner Christian | Yes |
| Commissioner Knowles | Yes |
| Commissioner Polk | Yes |
| Mayor Henderson | Yes |

Five yeas, no nays, the Commission adopted the resolution.

ADOPTED RESOLUTION 9127 DESIGNATING THE FINANCE TEAM TO WORK WITH THE CITY IN CONNECTION WITH THE ISSUANCE BY THE CITY OF THE NOT TO EXCEED \$22 MILLION UTILITY SYSTEM REVENUE REFUNDING BONDS, SERIES 2013

Commissioner Puckett introduced the resolution to be read by title only. CC Richardson read the resolution by title only, as follows:

A RESOLUTION OF THE CITY OF LEESBURG, FLORIDA DESIGNATING THE FINANCE TEAM TO WORK WITH THE CITY IN CONNECTION WITH THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$22 MILLION UTILITY SYSTEM REVENUE REFUNDING BONDS, SERIES 2013 TO REFUND ALL OR A PORTION OF THE CITY'S OUTSTANDING UTILITY SYSTEM REVENUE BONDS, SERIES 2004, AUTHORIZING THE CITY MANAGER TO EXECUTE THE ENGAGEMENT LETTERS; AUTHORIZING THE CITY MANAGER TO RETAIN OTHER PROFESSIONAL FIRMS AS NEEDED; EXPRESSING THE INTENT FOR PURPOSES OF COMPLIANCE WITH UNITED STATES TREASURY REGULATION SECTION 1.150-(2)(e) TO REIMBURSE WITH THE PROCEEDS OF SUCH 2013 BONDS CERTAIN EXPENDITURES MADE WITH RESPECT TO SUCH REFINANCING; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Christian moved to adopt the resolution and Commissioner Knowles seconded the motion.

Mayor Henderson requested comments from the Commission and the audience. There were none.

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The roll call vote was:

| | |
|------------------------|-----|
| Commissioner Christian | Yes |
| Commissioner Knowles | Yes |
| Commissioner Polk | Yes |
| Commissioner Puckett | Yes |
| Mayor Henderson | Yes |

Five yeas, no nays, the Commission adopted the resolution.

ADOPTED RESOLUTION 9128 DESIGNATING THE FINANCE TEAM TO WORK WITH THE CITY IN CONNECTION WITH THE ISSUANCE OF THE NOT TO EXCEED \$16 MILLION ELECTRIC SYSTEM REVENUE REFUNDING BONDS, SERIES 2013

Commissioner Knowles introduced the resolution to be read by title only. CC Richardson read the resolution by title only, as follows:

A RESOLUTION OF THE CITY OF LEESBURG, FLORIDA DESIGNATING THE FINANCE TEAM TO WORK WITH THE CITY IN CONNECTION WITH THE ISSUANCE BY THE CITY OF NOT TO EXCEED \$16 MILLION ELECTRIC SYSTEM REVENUE REFUNDING BONDS, SERIES 2013 TO REFUND ALL OR A PORTION OF THE CITY'S OUTSTANDING ELECTRIC SYSTEM REVENUE BONDS, SERIES 2004, AUTHORIZING THE CITY MANAGER TO EXECUTE THE ENGAGEMENT LETTERS; AUTHORIZING THE CITY MANAGER TO RETAIN OTHER PROFESSIONAL FIRMS AS NEEDED; EXPRESSING THE INTENT FOR PURPOSES OF COMPLIANCE WITH UNITED STATES TREASURY REGULATION SECTION 1.150-(2)(e) TO REIMBURSE WITH THE PROCEEDS OF SUCH 2013 BONDS CERTAIN EXPENDITURES MADE WITH RESPECT TO SUCH REFINANCING; AND PROVIDING AN EFFECTIVE DATE

Commissioner Christian moved to adopt the resolution and Commissioner Knowles seconded the motion.

Mayor Henderson requested comments from the Commission and the audience.

Commissioner Polk asked if the City financed thru SunTrust or Wells Fargo, just a straight conventional loan, would a finance team still be needed. FA Larson stated yes on the capital improvement issue because SunTrust only responded to the electric and utility bonds. The challenge is the path the City is directed to go on which was mentioned at the last meeting when the SunTrust rate was fixed and amended once, I believe 3.18 to 3.21 percent. With the bond market dropped below those levels, SunTrust is limited to only twenty years so they only went out to 2032. The City has two big maturities which still remain at a five percent interest rate so this allows us to take out those five percent notes

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in 2033 and 2034 with a three percent note so there is additional savings and this was looked at extensively.

Commissioner Polk stated the time period is not being extended. FA Larson stated correct, the bond maturity is still 2034 and there is no new money and no new capital projects.

The roll call vote was:

| | |
|------------------------|-----|
| Commissioner Knowles | Yes |
| Commissioner Polk | Yes |
| Commissioner Puckett | Yes |
| Commissioner Christian | Yes |
| Mayor Henderson | Yes |

Five yeas, no nays, the Commission adopted the resolution.

ADOPTED PURCHASE OF NEW DESKTOP AND LAPTOP COMPUTERS TO REPLACE EXISTING AGING COMPUTERS FOR A TOTAL COST OF \$84,977.80

Commissioner Polk moved to approve the purchase of new desktop and laptop computers for a total cost of \$84,977.80 and Commissioner Knowles seconded the motion.

Mayor Henderson requested comments from the Commission and the audience. There was none.

The roll call vote was:

| | |
|------------------------|-----|
| Commissioner Polk | Yes |
| Commissioner Puckett | Yes |
| Commissioner Christian | Yes |
| Commissioner Knowles | Yes |
| Mayor Henderson | Yes |

Five yeas, no nays, the Commission approved the purchase of new desktop and laptop computers.

INFORMATIONAL REPORTS: None

CITY ATTORNEY ITEMS: None

CITY MANAGER ITEMS:

CM Evans stated this Saturday, December 15th, from 11:00 a.m. until 2:00 p.m. Christmas in the Park will be held at Berry Park.

CM Evans asked if the Commission would like to have a workshop with the newly elected Commissioners January 22, 2013. Also, would the Commissioners want presentations from the staff or just have the Commission, the City Manager, and the Deputy City Manager present information.

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Commissioner Christian asked what is the best interest of the long term plans of the City of Leesburg and stated he does not like throwing ideas off the cuff without having any direction. He said Helen Keller said it best, "Worse than being blind is having sight with no vision."

CM Evans stated it is always his preference as City Manager to have staff present as a resource. But as far as formal presentations go, does the Commission want to talk amongst themselves about what the issues and priorities will be going forward and then from there, determine if presentations are needed?

Commissioner Christian stated he does not want to come in January 1st and scrape everything the Commission has been working on for the past four years; does not want to start from scratch when there are already plans going forward. Commissioner Christian stated he would like to have staff present and hear from them what is coming down the pike.

Mayor Henderson stated it could be good to hear from staff what their present is and what they hope their future will be to see if it goes along with the Commission.

Commissioner Puckett stated he thinks the two new Commissioners should be involved as they will have to deal with it for the next four years.

Commissioner Polk stated he thinks the Commission could have a less formal meeting with the new Commissioners starting out to get their ideas about what they want, see if they coincide with what we want, and then bring in staff.

CM Evans stated if he might, he believes the Commission needs a brain storming session for all Commissioners to hear what each other's thoughts are, not have a formal agenda, but a brain storming session and then build from that information for what you want staff to do. CM Evans stated he would like to have staff and these good folks sitting in the audience, so they can see how the Commission is thinking and hear the dialog as well.

Commissioner Knowles stated they may not know exactly how many kilowatts we use today but will have an idea of where the Commission is headed and what is going on and stated he values our City staff as they are a resource and can answer virtually any question he asks.

CM Evans stated Commissioners, as you know, this is an incredibly large and complex organization with a lot of moving parts and there are two or three dozen different presentations staff could bring but I do want to hear which ones you want first and in what order.

Commissioner Polk suggested the Commission talk amongst them and take notes on what they are interested in and have staff bring back the information later.

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Commissioner Knowles asked CM Evans if he will give the new Commissioners a tour of city before the workshop, so some of the preliminary questions will already been answered.

Commissioner Christian stated when he became a new Commissioner, he already had ideas for what he wanted, had been involved with the City, and already thought he knew how things could be done differently. Mr. Hurley and Ms. Dennison may have new ideas already. They will come to our first meeting saying the City can do this or that and staff will say no, we can't and we will want the explanation why.

CM Evans stated both Mr. Hurley and Ms. Dennison have been engaging with staff and talking about ideas and he does believe they will be inclined to make the time productive.

Commissioner Elect Hurley stated he would like to have a brain storming session and thinks we have more ideas than we can get done so probably do not need all staff present until we can come up with an overwhelming amount of ideas to present to them. Commissioner Hurley stated he kind of agrees with Commissioner Polk and CM Evans and would like to get some idea of where we want to go as a Commission and then bring the overwhelming group of ideas to the staff to tell us out of those fifty great ideas, what six can actually be done.

Commissioner Elect Dennison stated she would make it fast and in this instance agrees with Commissioner Hurley. Commissioner Dennison also stated to Commissioner Polk and CM Evans she thinks is a good idea to have a kick off session to discuss issues and then see who we want to bring in as we do not need Department Heads and staff sitting here for hours.

CM Evans stated ED Kalv will be scheduling time to have a brief workshop on the new electric pricing program, the optional pricing plan, and may do this at the January 22nd Commission meeting.

CM Evans stated the City Website is being redesigned and should be beautiful after the first of the year.

CM Evans stated next Monday, December 17th, at 5:00 p.m. in the Commission Chambers, the City will be holding a reception for outgoing Commissioner Lewis Puckett, with 12 years of service, and Commissioner/Mayor Sanna Henderson, with 23 years of service to the City.

PUBLIC COMMENTS:

Carolyn Merrell again thanked all involved in getting Christmas Tree Lane up and running this year and invited them to come back to help tear it down when the time comes.

ROLL CALL:

Commissioner Polk asked when the new procedure on utility easements only taking one reading for approval will go into effect. He stated he recently had a tremendous amount of rust in the water at his house and Public Works crews investigated and found two

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malfunctioning valves on a dead end line, so hopefully this will solve some of the rust problems as they did not even know the valves were there. They found two new valves and fixed them. CA Morrison stated the easement issue will be after the first of the year.

Commissioner Puckett stated he read in the newspaper where Eustis, Mt. Dora, and Tavares consolidated their Fire Departments. That is thinking outside the box and said Leesburg needs to give some thought like this as the unions are about to kill us.

Commissioner Christian asked if the Commission could get an update from Code Enforcement on how the new lien program is working. Maybe get a listing of the properties and what the owners have done, if anything, since the Ordinance was passed because it does not look like anything is being done.

Commissioner Knowles stated Teresa Campbell called him Sunday and Bert Peterson called him today about his favorite topic, Kristen Court and he basically told them the City is paying the bills and did a good deed at a bad time and the real estate market still stinks. Commissioner Knowles also stated he does not dodge newspaper or television people, he tries to be polite and respectfully to all of them.

Mayor Henderson asked Public Works when all the political signs would be collected. PWD Sharp asked if it was beyond their expiration date. CC Richardson stated yes and the official report received from Code Enforcement states all signs have been picked up. Mayor Henderson stated there were still several signs on her street.

ADJOURN:

Commissioner Knowles moved to adjourn the meeting and Commissioner Christian seconded the motion. The meeting adjourned at 7:03 p.m.

Mayor

ATTEST:

Betty M. Richardson
City Clerk

J. Andi Purvis
Recorder